

REMARKS

Claims 1-27 are currently pending, wherein claims 1-27 have been amended to more closely conform to U.S. practice. Favorable reconsideration is respectfully requested in view of the remarks presented herein below.

In paragraph 3 of the Office action (“Action”), the Examiner objects to Fig. 1 for not being designated as prior art because allegedly only that which is old is illustrated. Applicant respectfully disagrees. As discussed in the Specification, Fig. 1 illustrates an example of incoming traffic situation for a typical office building. Accordingly, Fig. 1 is not *prior art*, but rather illustrative data utilized in describing the present invention. Reconsideration and withdrawal of the objection to Fig. 1 is respectfully requested.

In paragraph 4 of the Action, the Examiner objects to the drawings under 37 CFR 1.83(a) because every feature of claims 20-27 is not shown. Claims 20-27 have been amended to more closely conform to U.S. practice, as a result the means language of claims 20-27 has been removed, thereby rendering this objection moot.

In paragraph 5 of the Action, the Examiner rejects claims 10-18 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. More specifically, the Examiner asserts that claims 10-18 are directed to computer program *per se* and therefore are not directed to statutory subject matter. Claims 10-18 have been amended to recite a computer readable medium. Accordingly, claims 10-18 are not directed to one of the four statutory categories of invention. Reconsideration and withdrawal of the rejection of claims 10-18 is respectfully requested.

In paragraph 6 of the Action, the Examiner rejects claims 1-17 under 35 U.S.C. § 102(b) as being anticipated by European Patent Publication No. EP 0739848 A2 to Sirag et al. (“Sirag”). Applicants respectfully traverse this rejection.

In order to support a rejection under 35 U.S.C. § 102, the cited reference must teach each and every claimed element. In the present case, claims 1-17 are patentable over Sirag because Sirag fails to disclose each and every claimed element. More specifically, Sirag fails to disclose defining a threshold value of car calls, on the basis of which a peak elevator is identified if the number of car calls to floors outside a lobby area exceeds the threshold value of car calls; collecting statistical data regarding the numbers of passengers arriving to a floor in the elevator

system and those leaving the floor during predetermined time windows; and selecting the prevailing traffic type as an incoming peak traffic condition if at least one peak elevator has been detected and the collected statistical data for the current time window indicates an incoming peak traffic condition as claimed.

Sirag discloses a method of determining an elevator system traffic mode. The method includes setting various values corresponding to an up-peak quantity, a down-peak quantity, an up-off-peak peak quantity, and a down-off-peak quantity and determining a fuzzy logic set indicative of the elevator traffic mode. In addition, the various up, down, and off peak quantities/values vary in accordance with number and frequency of passengers on the elevator. However, nowhere in Sirag is there any disclosure of identifying an elevator as peak if the number of car calls to floors outside a lobby area exceeds the threshold value of car calls, or collecting statistical data regarding the numbers of passengers arriving to a floor in the elevator system and those leaving the floor during predetermined time windows, much less selecting the prevailing traffic type as an incoming peak traffic condition if at least one peak elevator has been detected and the collected statistical data for the current time window indicates an incoming peak traffic condition.

In the Action, the Examiner points to traffic mode data element 58 of Sirag as being equivalent to the claimed statistical data indicating an incoming peak traffic condition and the observed data element 53 as being equivalent to the claimed elevator door light cell. However, nowhere in Sirag is there any disclosure of the traffic mode data element 58 being statistical data or of the observed data element being provided by a elevator door light cell as claimed. Since Sirag fails to disclose collecting statistical data regarding the numbers of passengers arriving to a floor in the elevator system and those leaving the floor during predetermined time windows, Sirag cannot possibly be interpreted to disclose selecting the prevailing traffic type as an incoming peak traffic condition if at least one peak elevator has been detected and the collected statistical data for the current time window indicates an incoming peak traffic condition.

Independent claims 1, 10, and 19 each recite selecting the prevailing traffic type as an incoming peak traffic condition if at least one peak elevator has been detected and the collected statistical data for the current time window indicates an incoming peak traffic condition.

Accordingly, claims 1, 10, and 19 are patentable over Sirag for at least those reasons presented above.

Claims 2-9, 11-18, and 20-27 depend from independent claims 1, 9, and 19. Therefore, claims 2-9, 11-18, and 20-27 are patentable over Sirag for at least those reasons presented above with respect to claims 1, 10, and 19. Reconsideration and withdrawal of the rejection of claims 1-27 under 35 U.S.C. § 102 is respectfully requested.

The application is in condition for allowance. Notice of same is earnestly solicited. Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Penny Caudle Reg. No. 46,607 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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